IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 564 OF 2006

Ketana Chitnis and Ors. ... Petitioners

Versus

University of Bombay and Ors. ... Respondents

Mr. M.P.S. Rao i/by Ms. U.M. Jhaveri for Petitioner.

Mr. R.A. Rodrigues for Respondents.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : MARCH 17, 2006

P.C.

. The Petitioner herein were earlier Petitioners in Writ Petition No. 3151 of 2005. In the course of the hearing by order dated 15.12.2005, this court recorded that petition would be treated as a complaint under Section 31(2) of the Maharashtra University Act, 1994 and the Board of Examination will pass appropriate orders thereon within a period of three weeks from today. The matter came up before the court on 21.2.2006 on which date, the counsel for the University has tendered in this court internal note of Vice Chancellor dated 20th February, 2006. That Note indicates that the final

results of the annual examination of 2004-05 of the candidates bearing seat Nos. 13, 77 and 125 were to be amended by granting them minimum passing marks in the practical examination of Corporate Identity. The Petition was thereafter accordingly disposed of.

. The present petition is by same Petitioners. In the instant case, they sought to produce the report dated 17th February, 2006 made by the 2 external moderators and some consequential reliefs. Pursuant to the orders of this court, the University has provided statutory remedy for the purpose of revaluation. In the instant case, this exercise has been completed.

. It may be mentioned that on behalf of the University, the learned counsel points out that no revaluation is permitted for practicals. However, considering the order of this court, this was done in the instant case on the facts of this case and in fact the Committee of outside examiners was constituted and the experts examined the case.

. Considering the above, it will not be possible for this court in these circumstances, once the procedure as laid down has been followed, to issue further directions unless the procedure followed was arbitrary or was not in conformity with the rules. That is not the case herein. Considering the report which has been placed before us, it will not be possible for us to exercise its extra ordinary jurisdiction. Hence, petition is rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)